

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:22-CR-51  
(KLEEH)

FOTIOS GEAS,  
PAUL DECOLOGERO, and  
SEAN MCKINNON,

Defendants.

**SCHEDULING ORDER ON SUPERSEDING INDICTMENT**

On February 8, 2023, the parties submitted a joint proposed pretrial schedule in this matter [ECF No. 111]. The following day, the Court convened a status conference to discuss the schedule. For the reasons discussed in the proposed schedule and during the status conference, the Court hereby **ORDERS** that the following dates and deadlines shall govern the case moving forward:

**Trial**

| Type of Motion   | Motion Filing Deadline | Response Filing Deadline         | Reply Filing Deadline                        |
|--|------------------------|----------------------------------|--|
| <b>Conference Between the Parties Regarding Discovery Issues</b>   | April 3, 2023          |                                  |  |
| <b>Fed. R. Crim. P. 12(b)(3)(E); Initial Motions for Discovery</b> | May 1, 2023            | 30 days after filing and service | 21 days after filing and service of Response |

## SCHEDULING ORDER ON SUPERSEDING INDICTMENT

|   |                              |                                  |  |
|---|------------------------------|----------------------------------|--|
| <b>Fed. R. Crim. P. 12(b) (3) (A) and (B)</b>   | August 1, 2023               | 30 days after filing and service | 21 days after filing and service of Response |
| <b>Motions to Suppress and/or for Severance; Fed. R. Crim. P. 12(b) (3) (C) (D) ; 18 U.S.C. § 3501</b>                              | October 2, 2023              | 30 days after filing and service | 21 days after filing and service of Response |
| <b>Government Notices Regarding Experts and Production of Expert Reports</b>  | June 5, 2024                 | See motions re: experts below    | See motions re: experts below                |
| <b>Defense Notices Regarding Experts, Fed. R. Crim. P. 12.2, <u>Atkins v. Virginia</u> Notices and Production of Expert Reports</b> | September 3, 2024            | See motions re: experts below    | See motions re: experts below                |
| <b>Notice of Rebuttal Experts Shall be Due Within 30 Days After Determination of the Admissibility of Expert Testimony</b>          |                              |                                  |  |
| <b>Motions re: Experts (<u>Daubert</u>, Sufficiency of Disclosures, etc.)</b>   | 60 days following disclosure | 30 days after filing and service | 21 days after filing and service of Response |

## SCHEDULING ORDER ON SUPERSEDING INDICTMENT

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|--|---|----------------------------------|--|
| <b>Defense Motions re: Confidential Access to Items of Forensic Evidence for Defense Testing (Defense Will Confer with Government Prior to Filing Any Such Motion)</b> | 60 days following government's expert disclosures | 30 days after filing and service | 21 days after filing and service of response |
| <b>Notices re: Fed. R. Evid. 404(b), 609(a)(1) and Supplemental Motions for Discovery and/or Suppression</b>   | August 5, 2024                                    | 30 days after filing and service | 21 days after filing and service of Response |
| <b>Motions in Limine</b>   | October 3, 2024                                   | 21 days after filing and service | 14 days after filing and service of Response |
| <b>Witness and Exhibit Lists</b>   | November 1, 2024                                  |                                  |  |
| <b>Pretrial Conference</b>   | November 7, 2024 (10:00 a.m.)                     |                                  |  |
| <b>Trial</b>   | December 2, 2024 (9:30 a.m.)                      |                                  |  |

## Penalty Phase

|   |                  |                                  |  |
|---|------------------|----------------------------------|--|
| <b>All Supplemental Motions for Discovery re: Penalty Phase</b> | December 1, 2023 | 30 days after filing and service | 21 days after filing and service of Response |
|---|------------------|----------------------------------|--|

## SCHEDULING ORDER ON SUPERSEDING INDICTMENT

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|--|------------------|----------------------------------|--|
| <b>Motions to Strike/Dismiss</b>   | February 1, 2024 | 30 days after filing and service | 21 days after filing and service of Response |
| <b>Constitutional Challenges to Capital Punishment</b>   | February 1, 2024 | 30 days after filing and service | 21 days after filing and service of Response |
| <b>Motions re: Penalty Phase Procedures, Trifurcation, Setting Deadlines for Penalty Phase Witness Lists, Exhibit Lists, Jury Instructions, Etc.</b> | May 1, 2024      | 30 days after filing and service | 21 days after filing and service of Response |
| <b>Evidentiary Motions re: Penalty Phase</b>   | July 1, 2024     | 30 days after filing and service | 21 days after filing and service of Response |

## Jury Selection and Jury Voir Dire

|  |              |                                  |  |
|--|--------------|----------------------------------|--|
| <b>Motions re: Jury Selection Procedures and for Discovery of Jury Records</b> | June 5, 2024 | 30 days after filing and service | 21 days after filing and service of Response |
|--|--------------|----------------------------------|--|

## SCHEDULING ORDER ON SUPERSEDING INDICTMENT

|  |   |                                  |  |
|--|---|----------------------------------|--|
| <b>Motions re: Challenging Petit Jury (Deadline Assumes Production of Requested Jury Records Not Later than 120 Days Prior to Trial)</b> | 30 days after receipt of requested jury records | 30 days after filing and service | 21 days after filing and service of response |
| <b>Proposed Jury Questionnaire (Parties to Confer and Submit a Joint Questionnaire with Disputed Aspects of the Questionnaire Noted)</b> | September 3, 2024                               |                                  |  |

## Jury Instructions

|   |                |  |  |
|---|----------------|--|--|
| <b>Submission of Proposed Jury Instructions (Parties to Confer and Submit to the Court a Joint Proposal for Guilt Phase Jury Instructions, Including Objections and Alternative Instructions Requested by Either Party)</b> | August 5, 2024 |  |  |
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**SCHEDULING ORDER ON SUPERSEDING INDICTMENT**

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In scheduling the trial, the Court incorporates all of the findings related to the Speedy Trial Act that were included in its *Order Granting Joint Motion to Continue and to Vacate All Currently Established Deadlines and Settings* [ECF No. 63].

It is so **ORDERED**.

The Clerk is **DIRECTED** to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: February 14, 2023

*Tom S. Kline*

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THOMAS S. KLEEH, CHIEF JUDGE  
NORTHERN DISTRICT OF WEST VIRGINIA